

ANTHONY MEDINA, KELVIN CURRAN, JAMES COLANTUONO, WARREN DAVIS, KEVIN JONES, PETER LOPEZ, CHRISTOPHER MORRISHAW AND MICHAEL SMITH,
individually and on behalf of others similarly situated,

Plaintiffs,

-against-

THE NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SERVICES; BRIAN FISCHER, COMMISSIONER OF THE NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SERVICES; LUCY BUTHER, ADA COORDINATOR OF THE NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SERVICES; PATRICK J. GRIFFIN, SUPERINTENDENT OF SULLIVAN CORRECTIONAL FACILITY; DARROW CUNNINGHAM, DEPUTY SUPERINTENDENT OF PROGRAMS FOR SULLIVAN CORRECTIONAL FACILITY; CHRISTOPHER KARSON, ASSISTANT DEPUTY SUPERINTENDENT OF PROGRAMS FOR SULLIVAN CORRECTIONAL FACILITY; DALE ARTUS, SUPERINTENDENT OF WENDE CORRECTIONAL FACILITY; AND KAREN CROWLEY, DEPUTY SUPERINTENDENT OF PROGRAMS FOR WENDE CORRECTIONAL FACILITY,

Defendants.

11 Civ. 176 (LAP) (JLC)

ECF Case

**DECLARATION OF DANIEL J. KRAMER IN SUPPORT OF JOINT
MOTION FOR CLASS CERTIFICATION IN CONNECTION
WITH SETTLEMENT, APPOINTMENT OF CLASS
REPRESENTATIVES AND CLASS COUNSEL, PRELIMINARY
APPROVAL OF THE PARTIES' PRIVATE SETTLEMENT
AGREEMENT AND APPROVAL OF NOTICE TO CLASS MEMBERS**

DANIEL J. KRAMER declares:

1. I am a member of Paul, Weiss, Rifkind Wharton & Garrison LLP and counsel for

Anthony Medina, Kelvin Curran, Warren Davis, Kevin Jones, Peter Lopez and Michael Smith. I make this declaration in support of the Joint Motion For Class Certification in Connection with Settlement, Appointment of Class Representatives and Class Counsel, Preliminary Approval of The Parties' Private Settlement Agreement and Approval of Notice to Class Members.

2. Paul, Weiss, Rifkind, Wharton & Garrison LLP ("Paul, Weiss"), has represented prisoner clients and clients in civil rights actions, on a *pro bono publico* basis, for more than 60 years. I have been the supervising partner of six prisoner cases in the United States Court of Appeals for the Second Circuit. Since 2011, the firm has represented 13 incarcerated individuals and accepted four research and advisory projects related to prisoners' rights. Four of the individual representations remain open, seven matters have settled, and two clients were granted parole. The firm also interviews incarcerated individuals with civil rights claims. Paul, Weiss has been successful in many such litigations, including actions brought under the federal disability statutes. *See, e.g., Brito v. New York City Housing Authority*, No. 09 Civ. 1621 (E.D.N.Y.) (disability rights class action on behalf of mobility-impaired public housing residents regarding NYCHA's failure to maintain elevators in reasonable operating condition); *Port Authority Police Asian Jade Society of New York & New Jersey Inc. v. Port Authority of New York and New Jersey*, No. 05 Civ. 3835 (S.D.N.Y.) (Title VII intentional discrimination case on behalf of Asian-American Authority police officers denied promotions to Sergeant).

3. Paul, Weiss lawyers have devoted more than 2,000 hours of their time to this matter over the past two and a half years, and Paul, Weiss has provided financial resources to assist in the prosecution of this matter, including travel costs and the costs of employing an expert witness in the field of visual disabilities and accommodations. Paul, Weiss will not be taking any compensation for its work in this matter; all fees awarded in connection with

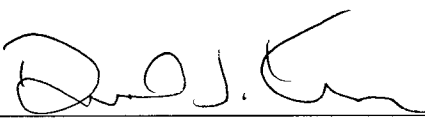
settlement will go to The Legal Aid Society.

4. This matter has been supervised, and principally litigated, by two members of Paul, Weiss: myself, and my partner Eric Alan Stone. We each have extensive relevant experience. I was admitted to the bar in 1985, completed two judicial clerkships in the United States Court of Appeals for the Second Circuit, joined the litigation department at Schulte, Roth & Zabel LLP as an associate, became a partner at that firm, and then joined Paul, Weiss as a partner in 2002. I focus my commercial practice on cases involving federal and state securities laws, including many class action cases. In addition, I have represented prisoners on a *pro bono publico* basis throughout my career. My partner Mr. Stone was admitted to the bar in 1997, completed a judicial clerkship in the United States District Court for the Eastern District of New York, joined Paul, Weiss, and became a partner in 2006. His commercial practice has included class actions alleging violations of state and federal law securities laws, state product liability laws, and federal antitrust laws. In addition, he has represented prisoners on a *pro bono publico* basis throughout his career. Prior to law school, he participated in the New York City Urban Fellows Program, working at the New York City Department of Correction.

5. For the foregoing reasons, I believe that Paul, Weiss will bring and has brought to this litigation sufficient experience, specialized expertise, and resources to provide adequate representation to the class.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 28, 2014



Daniel J. Kramer